



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,088	01/30/2002	Gary P. Belford	7170-01627	6425

7590 05/05/2003

Brinkley, McNerney, Morgan Solomon & Tatum, LLP  
New River Center  
Suite 1800  
200 East Las Olas Blvd.  
Fort Lauderdale, FL 33301

EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
----------	--------------

3751

DATE MAILED: 05/05/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

1. Newly submitted claims 7-13 and 15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new claims recite a subcombination of an armrest where previously examined claims 1-6 recited a combination of a bathing vessel/tub and armrest. Furthermore, amended claims 1, 2, 4-6 and 13 now recite the subcombination of an armrest.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-13 and 15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on March 31, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All pending claims are directed to an invention independent and distinct from the previously examined invention. There are no claims directed to the previously examined invention. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in

Art Unit: 3751

order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY  
BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication should be  
directed to Robert M. Fetsuga at telephone number 703/308-1506  
who can be most easily reached Monday through Thursday.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", is positioned above the printed name.

Robert M. Fetsuga  
Primary Examiner  
Art Unit 3751